

## **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

**June 25, 2002**

**5:30 PM**

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Guinta, Osborne and O'Neil

Absent: Alderman Forest

Messrs: J. Reese, Deputy Solicitor Arnold, E. Graham

Chairman Gatsas addressed Item 3 of the agenda:

Communication from AT&T Broadband advising of pricing changes effective with July 2002 billing.

Alderman O'Neil moved to receive and file the communication. Alderman Guinta duly seconded the motion.

Chairman Gatsas asked how many increases have we seen here in the last 12 months because I think we see this on the agenda on a monthly basis.

Mr. Jerry Reese answered this particular increase affected high-speed data, which was not changed in January. It also affects a few of the incidental charges like for boxes so for people who don't have a box there is no rate change. There was no rate change to the actual cable service, either the expanded basic or the basic service.

Chairman Gatsas asked when was the last time there was a high-speed rate change.

Mr. Reese answered I think a year ago. I can verify that and get back to you.

Chairman Gatsas stated I know you don't have any control over that but I am just curious as to how often this is happening. It seems as though every time we look at an agenda we see an increase.

Mr. Reese replied in this particular case those customers who rent modems from the company did not see a rate increase. What has happened with the industry is

that the price of modems have come down so we cut the price of modems. The actual service went up but those people who rent modems, their monthly cost did not change at all.

Chairman Gatsas called for a vote on the motion. There being none opposed, the motion carried.

Chairman Gatsas addressed Item 3 of the agenda:

Communication from AT&T Broadband requesting consent to a transfer of AT&T's Cable Franchise to AT&T Comcast Corporation. The City shall consider AT&T Comcast Corporation's legal, financial and technical qualifications as well as AT&T Comcast Corporation's cable-related experience and all other matters relative to AT&T Comcast Corporation's ability and likelihood of adhering to all the terms and conditions of the franchise agreement.

Alderman O'Neil moved the item for discussion. Alderman Guinta duly seconded the motion.

Chairman Gatsas asked, Mr. Arnold, do you have anything that you can inform this Committee about.

Deputy Solicitor Arnold stated since the public hearing and the submission of the Form 394 I have been in contact with AT&T. I sent them a letter asking for clarification on some of the items that I questioned them about at the public hearing. I received a response to that today. As you know, the entity that they proposed transferring the franchise to does, in a sense, not yet exist. It is going to be formed for the purpose of the transfer and consequently we don't have historical data on it and we are relying on a combination of data from AT&T and Comcast. In my letter the items that I think are of interest to the Committee that I asked about were first of all the status of the Hart-Scott-Rodino approval of the merger. The response that was provided today said that that was ongoing and they anticipate that it will be completed before the end of 2002. The other two questions I asked that I think would be of interest to the Committee are the status of the I-Net connection at the John F. Kennedy Memorial Coliseum and they responded that the conduit has been put in place and it is anticipated that the actual connection will be made before the end of August of this year. The last question I asked about was the status of the third downstream channel for PEG access. Perhaps Grace Sullivan, who I believe is here, can bring us more up-to-date on that but they responded that they have taken steps to activate that channel and it is going to require the construction of a new fiber link from the Manchester head end. They are presently preparing estimates of the construction costs and a time

period for construction with construction to begin immediately thereafter so they really haven't provided a deadline date for that particular item. As it noted in the agenda, this is a transfer so we are in a sense limited to considering the financial, managerial and legal aspects of the transfer. Beyond that I would be glad to answer any questions if I am able.

Chairman Gatsas asked didn't the previous agreement talk about the third channel having to be up and running in so many days.

Deputy Solicitor Arnold answered the third channel was supposed to be provided upon the execution of the renewal franchise, which was in October of 2000 so yes they are certainly late with that. I was made aware at the public hearing that it hadn't been installed yet but that was part of the franchise agreement as was the I-Net hook-up I might add.

Mr. Reese stated I, like Mr. Arnold, was unaware until the public hearing on April 30 that the third channel had not been activated. I rejoined the company last August and I had never been made aware. Normally most communities that have in their contract as the City of Manchester does with the company either one, two or three channels, whatever the number is, are actively engaged in making sure that those are up and running for community residents. So, like I said the first time I was made aware of it was at the public hearing and since then I have been in contact with Grace Sullivan and the School Board members and our engineering people and I know they are talking to now effectuate what should have happened some time ago.

Chairman Gatsas asked and what is the timeframe. I noticed he said there was no timeframe but I would assume that in the last 60 days since you have known about it we would have had some sort of timeframe before us.

Mr. Reese answered I haven't gotten a timeframe from engineering but I am going to go out on a limb and say that it is going to be done before school opens in the fall. We know what has to be done.

Chairman Gatsas asked so September 1 because I think that may be a little bit after school opens. It opens in August I believe.

Mr. Reese answered well I will commit to the fact that we will have it up and running before school opens on August 27.

Alderman O'Neil stated we will take September 1, Jerry.

Mr. Reese replied well then I will stay with September 1.

Chairman Gatsas asked, Mr. Arnold, on our consent agreement is there anything we can stipulate in there that that has to be up and running by September 1.

Deputy Solicitor Arnold answered what I would normally do, Mr. Chairman, is provided that the Board of Mayor and Aldermen votes to approve the transfer I would draft a letter that would essentially attach the minutes of the public hearing, my letter, their response thereto and the minutes from this meeting as affirmative representations made and that the transfer would be made on the basis of those affirmative representations.

Chairman Gatsas stated we don't have a copy of the letter that you sent.

Deputy Solicitor Arnold replied that went out when I discovered that they had not responded from the public hearing. I have a copy of AT&T's response to my letter, which lays out the questions that I asked.

Alderman O'Neil asked, Jerry, do we know what facilities do not...I know that JFK is still outstanding but are there any other facilities that have not had equipment installed or whatever.

Mr. Reese asked to the I-loop. That is the only one that I am aware of.

Alderman O'Neil asked Tom or Grace is that to the best of our knowledge on the City side the only one.

Deputy Solicitor Arnold answered that is accurate. That is the only one that has not been installed.

Mr. Reese stated I know that our engineering person who is in charge of I-loops said that our contractor, Dinsmore, who did the original work in the City has been there already.

Alderman O'Neil asked is that one we can count on by September 1.

Mr. Reese answered yes, absolutely.

Alderman O'Neil asked any idea how we are doing, Jerry, on...one of the biggest complaints and I haven't heard it recently is on letting the customers know about what the true lowest cost price package is. Do you know how we are doing with regards to that? Could you get some data on that? For the longest time we had something called basic when, in fact, there was a package lower than basic and a lot of the elderly people didn't understand that and I think a year or maybe two

years ago we talked about it. Can you take a look at that and get back to us on the possible number of complaints with regards to that?

Chairman Gatsas asked the Hart-Scott-Rodino Act, you were supposed to provide me with a date that it was filed when we had the public testimony. Now I haven't heard anything.

Mr. Reese answered I don't know when it was filed.

Ms. Elizabeth Graham from AT&T Broadband stated I thought that that had been responded to in the letter that we had sent to the City but I see Mr. Arnold shaking his head. I believe that was an oversight and we should have that information for you by tomorrow.

Chairman Gatsas replied my understanding is that there is a 180-day window that they must respond by.

Mr. Graham responded if my understanding is correct the FCC sent or the Department of Justice sent a second request for information to the companies and that, I believe, sort of tolls the time period while they are reviewing the information. So the companies provided additional information and at this time I don't believe that there is any deadline for a statutory matter for them responding. We provided them with information and they are currently reviewing it and I believe the letter said that we expect consent before the end of the year.

Chairman Gatsas stated I think we heard that you were going to get it before now the last time you were here.

Alderman O'Neil stated I thought we talked about last time making sure that this Committee is copied on correspondence either way.

Chairman Gatsas replied that was my understanding.

On motion of Alderman O'Neil, duly seconded by Alderman Guinta it was voted to approve the request and consent to a transfer of AT&T's Cable Franchise to AT&T Comcast Corporation.

Chairman Gatsas addressed Item 5 of the agenda:

Amendment to the Taxicab Ordinance submitted by Deputy Clerk Normand.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to approve the amendment.

Chairman Gatsas addressed Item 6 of the agenda:

Amendments to the Noise Ordinance submitted by City staff.

Clerk Bernier stated due to the time constraints this evening and the noise ordinance probably taking a little longer than we anticipated, there are two taxicab licenses that have been denied that maybe we should address now. We do have a 6 PM Special Board meeting. Maybe we could move the other items to the July 15 meeting if necessary.

Final Report of the Mayor's MCTV Task Force.

The Committee agreed to move items 6 and 7 to the July 15 meeting.

Alderman Guinta moved to enter into non-public session under the provisions of RSA 91-A:3 II (c). Alderman O'Neil duly seconded the motion. A roll call vote was taken. Aldermen Gatsas, Guinta, Osborne and O'Neil voted yea. Alderman Forest was absent. The motion carried.

Non-public session ensued with Mr. Fairbanks, the operator; committee members and the Clerk present. Clerk Bernier explained the reasons for his denial. Mr. Fairbanks presented his side. Mr. Ricker was then called in. Clerk Bernier explained the reasons for his denial. Mr. Ricker presented his side.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to return to public session.

Alderman O'Neil moved to deny the appeal of the taxi license application for Mr. Fairbanks noting that he should come back once his probation period is over and reapply. Alderman Guinta duly seconded the motion. Chairman Gatsas called for a vote. There being none opposed, the motion carried.

Alderman O'Neil moved to deny the appeal of the taxi license application for Mr. Ricker. Alderman Guinta duly seconded the motion. Chairman Gatsas called for a vote. There being none opposed, the motion carried.

**NEW BUSINESS**

Communication from Jonathan Hallet requesting permission to extend the operating hours of his hot dog cart in front of Ye' Olde Cobbler Shop from 8 PM until 2 AM.

On motion of Alderman O'Neil, duly seconded by Alderman Guinta, it was voted to approve the request.

There being no further business, on motion of Alderman O'Neil, duly seconded by Alderman Guinta it was voted to adjourn.

A True Record. Attest.

Clerk of Committee